

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CAUSE NO. 1:16-CR-98-LG-JCG-3

ALISHA SMITH

**ORDER DENYING MOTION FOR COMPASSIONATE RELEASE
FOR FAILURE TO EXHAUST ADMINISTRATIVE REMEDIES**

BEFORE THE COURT is the [200] Motion for Compassionate Release filed by the defendant, Alisha Smith. The Government filed a [207] Response in Opposition, to which Smith filed a [219] Reply. After reviewing the submissions of the parties, the record in this matter, and the applicable law, the Court finds that Smith's Motion should be denied for failure to exhaust administrative remedies.

DISCUSSION

On April 11, 2017, Smith entered a plea of guilty to one count of possession with intent to distribute more than five grams of actual methamphetamine, in violation of 21 U.S.C. § 841(a)(1). On August 24, 2017, the Court sentenced Smith to 87 months of imprisonment, 5 years of supervised release, a fine in the amount of \$5,000, and a special assessment in the amount of \$100. She is currently housed at FCI Aliceville in Aliceville, Alabama, and is scheduled to be released on April 6, 2023.

On June 25, 2020, Smith filed a *pro se* Motion for Compassionate Release. She claims that the number of COVID-19 cases are rising in Alabama, and that she would like to spend time at home so she can take care of her mother, who has lung

disease. (Def.'s Mot., at 1-2, ECF 200). On July 10, 2020, the Government filed a response in opposition to the Motion, arguing that (1) Smith failed to exhaust her administrative remedies, (2) Smith had not demonstrated any extraordinary or compelling reason to grant a reduction, and (3) the Section 3553 factors weigh against Smith's release.

A district court may reduce a defendant's term of imprisonment after (1) "the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf," or (2) "the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility." 18 U.S.C. § 3582(c)(1)(A). However, Smith's *pro se* Motion fails to address the threshold requirement that she exhausted her administrative remedies prior to requesting a sentence reduction from this Court. Nor does Smith provide any evidence that such exhaustion was completed. Under these circumstances, the Court cannot disturb her sentence until she has satisfied one of the two exhaustion avenues listed above.

IT IS THEREFORE ORDERED AND ADJUDGED that the [200] Motion for Compassionate Release filed by the defendant, Alisha Smith, is hereby **DENIED**.

SO ORDERED AND ADJUDGED this the 1th day of September, 2020.

s/ *Louis Guirola, Jr.*

LOUIS GUIROLA, JR.
UNITED STATES DISTRICT JUDGE